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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,076	09/13/2002	Isamu Yoshida	JCLA10020	2613

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EXAMINER

BOEHLER, ANNE MARIE M

ART UNIT

PAPER NUMBER

3611

DATE MAILED: 06/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/065,076

Applicant(s)

YOSHIDA ET AL.

Examiner

Anne Marie M Boehler

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-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's declaration indicates the filing date of the priority document is September 13, 2002. However, it appears that the correct filing date of the priority document is September 13, 2001.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Bugosh.

Bugosh shows an electric power steering system with a ball screw 24 and nut 66. The nut is generally cylindrical. It has a support contacting middle region 82 and non-fitting surfaces on opposite sides of the middle region. The not-fitting surfaces are tapered at least at their axial end portions.

4. Claims 1, 2, 4-6, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Sugino et al.

Sugino shows an electric power steering system, in Figure 6, with a ball screw 12 and a nut 51. The nut is generally cylindrical and has a fitted middle portion and a non-fitting end surfaces having a smaller diameter.

5. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by JA 2000-296780.

JA '780 shows an electric power steering system with a ball screw 13 and screw shaft 2 and nut 14. The nut is tightly press fitted into a support member 8 at its central region and non-fitting surfaces that do not contact the support member are formed on the outer periphery of the nut on opposite sides of the roller way. The nut is generally cylindrical and has tapered ends so that the diameter of the nut at its ends is smaller than that at its middle region.

6. Applicant's arguments filed April 8, 2003 have been fully considered but they are not persuasive.

Applicant argues that Bugosh fails to anticipate applicant's invention because the Bugosh device allows the ball nut to pivot, while applicant's disclosed invention does not. The examiner does not agree that this is a patentable distinction. While applicant does disclose a device that does not have the pivotability of Bugosh, applicant's claims 1-9 do not preclude such motion. Applicant's claims merely recite a fitting surface engaging the support member as well as non fitting surfaces. Bugosh shows this structure. The middle region of the Bugoshi nut includes a crown 82, clearly shown in Figures 2 and 4. The crown has an outer peripheral contact surface (at least at the bottom of nut 66, as shown by reference numeral 82 in Figure 2) that engages an inner surface of the support member (motor shaft 36). The overall configuration allows a tight fit (no axial movement) between the nut and the shaft that rotates the nut, as broadly recited. Applicant also disagrees that the non-fitting surfaces are tapered at their axial end portions. The examiner directs the applicant's attention to the chamfered corners of

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the nut shown in Figures 1-4. this chamfering constitutes a tapering of the non-fitting surfaces.

Similarly, Sugino shows all of applicant's claimed features. Sugino shows engagement surfaces on the periphery of the nut 51 and on interior surfaces of the motor shaft which provide a tight fit in that there is not axial movement or unintended looseness between the nut and the motor shaft.

A rejection based on JA 2000-296780 has been added because it teaches the tightly fitting surfaces on the nut and support member (press fit to remain relatively fixed), as now recited in claims 10 and 11.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Welling shows a ball screw with a nut 16 having chamfered ends.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne Marie M Boehler whose telephone number is 703-308-0422. The examiner can normally be reached on 7:30-5:00, Monday-Thursday, and alternate Fridays,.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9325 for regular communications and 703-872-09327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

amb 6/6/03

Anne Marie M Boehler
Primary Examiner
Art Unit 3611

amb
June 6, 2003